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COUNSEL LISTED ON SIGNATURE PAGES

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

In re ACACIA MEDIA TECHNOLOGIES CORPORATION	Case No. C-05-01114 JW **STIPULATION AND [PROPOSED] ORDER RE EXPERT DISCOVERY** Judge: Honorable James Ware

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STIPULATION

The undersigned parties stipulate as follows:

1. The following expert materials shall not be discoverable in this litigation:

   a. Oral or written communications between an expert witness, on the one hand, and the party or parties who retained the expert, or their attorneys or representatives, on the other;

   b. Drafts of expert reports or declarations; and

   c. Notes, memoranda, and other writings of an expert witness prepared in connection with the expert's engagement.

2. This stipulation does not preclude any party from questioning an expert witness about the circumstances surrounding the drafting of any expert report or declaration, including without limitation how much time the expert spent drafting the report or declaration, whether particular language was suggested by others, and so forth.

IT IS SO STIPULATED.

Dated: August 24, 2005

RODERICK G. DORMAN (CA SBN 96908)
ALAN P. BLOCK (CA SBN 143783)
KEVIN I. SHENKMAN (CA SBN 223315)
HENNIGAN, BENNETT & DORMAN LLP
601 South Figueroa Street, Suite 3300
Los Angeles, CA 90017

By: ______________________

Attorneys for Plaintiff
ACACIA MEDIA TECHNOLOGIES CORPORATION

Dated: August 26, 2005

VICTOR G. SAVIKAS (CA SBN 145658)
KEVIN G. McBRIDE (CA SBN 195866)
MARSHA E. MULLIN (CA SBN 93709)
MARIA K. NELSON (CA SBN 155608)
JONES DAY
555 West Fifth Street, Suite 4600
Los Angeles, California 90013-1025

By: Victor G. Savikas
Victor G. Savikas

Attorneys for Defendant
THE DIRECTV GROUP, INC.

Dated: August 26, 2005

HAROLD J. McELHINNY (CA SBN 66781)
RACHEL KREVANS (CA SBN 116421)
PAUL A. FRIEDMAN. (CA SBN 208920)
JASON A. CROTTY (CA SBN 196036)
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482

DAVID C. DOYLE (CA SBN 70690)
MORRISON & FOERSTER LLP
3811 Valley Centre Dr., Suite. 500
San Diego, California 92130

By: /S/
Harold J. McElhinny

Attorneys for Defendants
ECHOSTAR SATELLITE LLC and ECHOSTAR TECHNOLOGIES CORPORATION

Dated: August 26, 2005

DARALYN J. DURIE (CA SBN 169825)
DAVID J. SILBERT (CA SBN 173128)
KEKER & VAN NEST LLP
710 Sansome Street
San Francisco, California 94111-1704

By: /s/
David Silbert

Attorneys for Defendant
COMCAST CABLE COMMUNICATIONS, LLC

Dated: August 26, 2005

ANNAMARIE A. DALEY (*pro hac vice*)
TARA D. SUTTON (*pro hac vice*)
STEPHEN P. SAFRANSKI (*pro hac vice*)
ROBINS, KAPLAN, MILLER & CIRESI LLP
2800 LaSalle Plaza, 800 LaSalle Avenue
Minneapolis, Minnesota 55402

RICHARD R. PATCH (CA SBN 88049)
J. TIMOTHY NARDELL (CA SBN 184444)
COBLENTZ, PATCH, DUFFY & BASS, LLP
One Ferry Building, Suite 200
San Francisco, California 94111-4213

By: /s/
Annamarie A. Daley

Attorneys for Defendants
COXCOM, INC. and HOSPITALITY NETWORK, INC.

Dated: August 26, 2005

BRADFORD LYERLA (*pro hac vice* app. pending)
KEVIN HOGG (*pro hac vice* app. pending)
JEFFREY DEAN (*pro hac vice* app. pending)
MARSHALL, GERSTEIN & BORUN LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357

MORGAN W. TOVEY (CA SBN 136242)
WILLIAM R. OVEREND (CA SBN 180209)
REED SMITH LLP
Two Embarcadero Center, Suite 2000
San Francisco, CA 94111

By: /S/
William R. Overend

Attorneys for Defendant
CHARTER COMMUNICATIONS, INC., WIDE OPEN WEST, ARMSTRONG UTILITIES, MASSILON CABLE TV, INC., EAST CLEVELAND CABLE TV, MID-CONTINENT MEDIA, INC., CANNON VALLEY COMMUNICATIONS, US CABLE HOLDINGS, LP, ARVIG ENTERPRISES, SJOBERG CABLE, LORETEL SYSTEMS, INC., NPG CABLE, INC.

DATED: August 26, 2005

REBECCA ANNE BORTOLOTTI
JOHN CHRITOPHER REICH
ALBERT L. UNDERHILL
MERCHANT & GOULD
80 S. 8th Street, Suite 3200
Minneapolis, Minnesota 55402

By /S/
Rebecca Anne Bortolotti

Attorneys for Defendants
MID-CONTINENT MEDIA, INC., SAVAGE COMMUNICATIONS, INC., CANNON VALLEY COMMUNICATIONS, US CABLE HOLDINGS, LP, ARVIG ENTERPRISES, SJOBERG'S CABLE, LORETEL SYSTEMS, INC.,

DATED: August 26, 2005

JUANITA R. BROOKS
TODD G. MILLER

FISH & RICHARDSON P.C.
12390 El Camino Real
San Diego, California 92130-2081

By /S/
Todd R. Miller

Attorneys for Defendants
NEW DESTINY INTERNET GROUP, L.L.C., AUDIO COMMUNICATIONS, INC., VS MEDIA, INC., ADEMIA MULTIMEDIA, LLC, CYBERHEAT, INC., AEBN, INC., LIGHTSPEED MEDIA CORPORATION, INNOVATIVE IDEAS INTERNATIONAL, LTD., GAME LINK, INC., AND CYBERTREND, INC.

DATED: August 26, 2005

JONATHAN E. SINGER
WILLIAM R. WOODFORD
FISH & RICHARDSON P.C.
60 South Sixth Street, Suite 3300
Minneapolis, Minnesota 55402

By /S/
Jonathan E. Singer

Attorneys for Defendants
NEW DESTINY INTERNET GROUP, L.L.C., AUDIO COMMUNICATIONS, INC., VS MEDIA, INC., ADEMIA MULTIMEDIA, LLC, CYBERHEAT, INC., AEBN, INC., LIGHTSPEED MEDIA CORPORATION, INNOVATIVE IDEAS INTERNATIONAL, LTD., GAME LINK, INC., AND CYBERTREND, INC.

DATED: August 26, 2005

WILLIAM J. ROBINSON
VICTOR DE GYARFAS
FOLEY & LARDNER
2029 Century Park East, 35th Floor
Los Angeles, California 90067

By /S/
Victor de Gyarfas

Attorneys for Defendants
International Web Innovations, Inc. and OFFENDALE COMMERICAL LIMITED BV

DATED: August 26, 2005

DOUGLAS W. SPRINKLE

MARK D. SCHNEIDER
GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI, P.C.
280 N. Old Woodward Avenue, Suite 400
Birmingham, Michigan 48009-5394

GREGORY B. WOOD
FULBRIGHT & JAWORSKI
865 S. Figueroa Street, 29th Floor
Los Angeles, California 90017-2576

By /S/
Mark D. Schneider

Attorneys for Defendant
ASKCS.COM, INC.

DATED: August 26, 2005

GARY A. HECKER
JAMES M. SLOMINSKI
THE HECKER LAW GROUP
1925 Century Park East, Suite 2300
Los Angeles, California 90067

By /S/
James M. Slominski

Attorneys for Defendant
OFFENDALE COMMERCIAL BV, LTD.

DATED: August 26, 2005

DAVID A. YORK
LATHAM & WATKINS
135 Commonwealth Drive
Menlo Park, California 94025

By /S/
David A. York

Attorneys for Defendants
ICS, Inc. and AP Net Marketing, Inc.

DATED: August 26, 2005

MITCHELL D. LUKIN
BAKER BOTTS LLP
One Shell Plaza
910 Louisiana
Houston, Texas 77022

JEFFREY D. SULLIVAN
MICHAEL J. MCNAMARA
BAKER BOTTS LLP

30 Rockefeller Plaza
New York, New York 10112

STEPHEN E. TAYLOR
TAYLOR & CO. LAW OFFICES, INC.
One Ferry Building, Suite 355
San Francisco, California 94111

By /S/
Mitchell D. Lukin

Attorneys for Defendant
MEDIACOM COMMUNICATIONS CORPORATION

DATED: August 26, 2005

SEAN DAVID GARRISON
ROBERT FRANCIS COPPLE
LEWIS & ROCA LLP
40 N. Central Avenue
Phoenix, Arizona 85004-4429

By /S/
Sean David Garrison

Attorneys for Defendant
CABLE AMERICA CORP.

DATED: August 26, 2005

C. MARK KITTREDGE
PERKINS COIE BROWN & BAIN PA
P.O. Box 400
Phoenix, Arizona 85001-0400

By /S/
C. Mark Kittredge

Attorneys for Defendants
CABLE ONE INC.

DATED: August 26, 2005

PATRICK J. WHALEN
SPENCER FAN BRITT & BROWN LLP
1000 Walnut Street, Suite 1400
Kansas City, Missouri 64106

By /S/
Patrick J. Whalen

Attorneys for Defendants

NPG CABLE INC.

DATED: August 26, 2005

FRITZ BYERS
520 Madison Avenue
Toledo, Ohio 43604

By /s/
Fritz Byers

Attorneys for Defendants
BLOCK COMMUNICATIONS, INC.

DATED: August 26, 2005

CHRISTOPHER B. FAGAN
FAY SHARPE FAGAN MINNICH & MCKEE
1100 Superior Avenue, Seventh Floor
Cleveland, Ohio 44114-2518

By /s/
Christopher B. Fagan

Attorneys for Defendants
ARMSTRONG GROUP; EAST CLEVELAND TV AND COMMUNICATIONS LLC; MASSILLON CABLE TV, INC.; WIDE OPEN WEST, LLC

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: ______________________ By:__________________________________
JAMES WARE
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

I, Chuesca M. Tartalone, declare:

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 555 West Fifth Street, Suite 4600, Los Angeles, California 90013-1025. On August 26, 2005, I served a copy of the within document(s):

STIPULATION AND [PROPOSED] ORDER RE EXPERT DISCOVERY

☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. on the **attached Service List**

X by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth on the **attached Service List**

☐ by placing the document(s) listed above in a sealed __________ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a agent for delivery.

☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 26, 2005, at Los Angeles, California.

/s/ ______________________________
Chuesca Tartalone

SERVICE LIST
(BY U.S. MAIL)

Alan P. Block, Esq.
Kevin I. Shenkman, Esq.
HENNIGAN, BENNETT & DORMAN LLP
RODERICK G. DORMAN
601 South Figueroa Street, Suite 3300
Los Angeles, California 90017
Counsel for:
Acacia Media Technologies Corporation

Juanita R. Brooks
Todd G. Miller
FISH & RICHARDSON
12390 El Camino Real
San Diego, California 92130-02081
Counsel for:
New Destiny Internet Group LLC; Audio Communications; VS Media Inc.; Ademia Multimedia LLC; Adult Entertainment Broadcast network; Cyber Trend Inc.; Lightspeedcash; Adult Revenue Services; Innovative Ideas International; Game Link Inc.; Club Jenna Inc.; CJ Inc.; Global AVS Inc.; ACMP LLC; Cybernet Ventures Inc.

Jonathan E. Singer
William R. Woodford
FISH & RICHARDSON
60 South Sixth Street, Suite 3300
Minneapolis, Minnesota 55402
Counsel for:
New Destiny Internet Group LLC; Audio Communications; VS Media Inc.; Ademia Multimedia LLC; Audult Entertainment Broadcast network; Cyber Trend Inc.; Lightspeedcash; Adult Revenue Services; innovative Ideas international; Game Link Inc.; Club Jenna Inc.; CJ Inc.; Global AVIS Inc,.; ACMP LLC; Cybernet Ventures Inc.

Victor De Gyarfas
William J. Robinson
FOLEY & LARDNER
2029 Century Park E. 35th Floor
Los Angeles, California 90067
Counsel for:
International Web Innovations, Inc.

Gary A. Hecker
James Michael Slominski
HECKER LAW GROUP
1925 Century Park East, Suite 2300
Los Angeles, California 90067
Counsel for:
Offendale Commercial Limited BV

Mark D. Schneider
GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON AND CITKOWSKI
280 N. Old Woodward Avenue, Ste. 400
Birmingham, Michigan 48009-5394
Counsel for:
Askcs.com Inc.

Dan Fingerman
MOUNT & STOELKER, P.C.
River Park tower, 17th Floor
333 W. San Carlos St.
San Jose, California 95110
Counsel for:
Askcs.com Inc.

David Allen York
LATHAM & WATKINS
135 Commonwealth Drive
Menlo Park, California 94025
Counsel for:
AP Net Marketing Inc.; ICS Inc.

Rachel Krevans
Jason A. Crotty
Paul A. Friedman
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
Counsel for:
Echostar satellite LLC; Echostar Technologies Corporation; Echostar Communications Corporation

Annemarie A. Daley
Stephen P. Safranski
ROBINS KAPLAN MILLER & CIRESI LLP
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, Minnesota 55402
Counsel for:
Coxcom, Inc.; Hospitality Network, Inc.

Richard R. Patch
J. Timothy Nardell
COBLENTZ, PATCH, DUFFY & BASS LLP
One Ferry Building, Ste. 200
San Francisco, California 94111-4213
Counsel for:
Coxom, Inc.; Hospitality Network, Inc.

Jeffrey H. Dean
Kevin D. Hoag
Bradford P. Lyerla
Carl E. Myers
MARSHALL GERSTEIN & BORUN LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Counsel for:
Charter Communications, Inc.; Armstrong Group; East Cleveland TV and Communications LLC; Massillon Cable TV, Inc.; Wide Open West, LLC

William R. Overend
Morgan D. Tovey
Reed Smith Crosby heafey
Two Embracadero Center, Suite 2000
San Francisco, California 94111
Counsel for:
Charter Communications, Inc.

Daralyn J. Durie
Joshua H. Lerner
David J. Silbert
KEKER & VAN NEST LLP
710 Sansome Street
San Francisco, California 94111
Counsel for:
Comcast Cable Communications, LLC

Stephen E. Taylor
TAYLOR & CO. LAW OFFICES, INC.
One Ferry Building, Suite 355
San Francisco, California 94111
Counsel for:
Mediacom Communications Corporation

Mitchell D. Lukin
BAKER BOTTS L.L.P.
One Shell Plaza
910 Louisiana
Houston, Texas 77022
Counsel for:
Mediacom Communications Corporation

Jeffrey D. Sullivan
Michael J. McNamara
BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, New York 10112
Counsel for:
Mediacom Communications Corporation

Rececca Anne Bortolotti
John Christopher Reich
Albert L. Underhill
Merchant & Gould
80 S. 8th Street, suite 3200
Minneapolis, Minnesota 55402
Counsel for:
Arvig Communications Systems; Cannon Valley Communications, nc.; Loretel Cablevision; Mid-Continent Media, nc.; Savage Communictions, Inc.; Sjoberg's Cablevision, Inc.; US Cable Holdings LP

Sean David Garrison
Robert Francis Copple
LEWIS & ROCA LLP
40 N. Central Avenue
Phoenix Arizona 85004-4429
Counsel for:
Cable America Corp.

C. Mark Kittredge
PERKINS COIE BROWN & BAIN PA
P.O. BOX 400
Phoenix, Arizona 85001-0400
Counsel for:
Cable One Inc.

Troy Blinn Forderman
George Chun Chen
BRYAN CAVE LLP
2 N. Central Avenue, Suite 2200
Phoenix, Arizona 85004-4406
Counsel for:
Cable System Service Inc.

Gregory T. Spalj
FABYANSKE WESTRA & HART PA
800 Lasalle Avenue, Suite 1900
Minneapolis, Minnesota 55402
Counsel for:
Cable System Service, Inc.

Patrick J. Whalen
SPENCER FAN BRITT 7 BROWN LLP
1000 Walnut Street, Suite 1400
Kansas City, Missouri 64106
Counsel for:
NPG Cable Inc.

Fritz Byers
520 Madison Avenue
Toledo, Ohio 43604
Counsel for:
Block Communications, Inc.

Clay K. Keller
Buckingham, Doolittle & Burroughs
50 South Main Street
Akron , Ohio 44308
Counsel for:
Nelsonville TV Cable, Inc.

Melissa G. Ferrario
Barry S. Goldsmith
Gary H. Nunes
Womble Carlyle Sandridge & Rice
8065 Leesburg Pike, Fourth Floor
Tysons Corner, VA 22182
Counsel for:
Nelsonville TV Cable, Inc.

Christopher C. Fagan
FAY SHARP FAGAN MINNIH & MCKEE
1100 Superior Avenue, Seventh Floor
Cleveland, Ohio 44114-2518
Counsel for:
Armstrong Group; East Cleveland TV and Communications LLC; Massillon Cable TV, Inc.; Wide Open West, LLC

Stephen S. Korniczky
PAUL HASTINGS JANOFSKY & WALKER LLP
3579 Valley Centre Drive
San Diego, California 92130
Counsel for:
Cebridge Connections

Mark Anchor Albert
Hennigan Bennett & Dorman LLP
601 S. Figueroa Street
Suite 3300
Los Angeles, CA 90017

Adam Robert Alper
Latham and Watkins
135 Commonwealth Drive
Menlo Park, CA 94025

Jay R. Campbell
Renner Otto Boisselle & Sklar LLP
Keith Bldg.
1621 Euclid Avenue, 19th Floor
Cleveland, OH 44115

David C. Doyle
Morrison & Foerster LLP
3811 Valley Centre Dr., Ste. 500
San Diego, CA 92130

James V. Fazio
Paul Hastings Janofsky & Walker LLP
3579 Valey Centre Drive
San Diego, CA 92130

Mark c. Johnson
Renner Otto Boisselle & Sklar
19th Floor
1621 Euclid Avenue
Cleveland, OH 44115

Matthew I. Kreeger
Morrison & Ferster LLP
425 Market Street
San Francisco, CA 94105-2482

Christopher S. Marchese
Fish & Richardson
12390 El Camino Real
San Diego, CA 92130-2081

Carl E. Myers
Marshall Gerstein & Borun
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606

David P. Pearson
Winthrop & Weinstine, PA
225 S. 6th Ste. 3500
Minneapolis, MN 55415

Andrew D. Raymond
Marshall Gerstein & borun LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6357

John C. Reich
Merchant & Gould
80 S. 8th Street
Suite 3200
Minneapolis, MN 55402

Mark D. Schneider
Gifford Krass Groh Sprinkle Anderson & Ctkowski, P.C.
2701 Troy Center Drive
Suite 330
P.O. Box 7021
Troy, MI 48007-7021

Douglas W. Sprinkle
Gifford Krass Groh Sprinkle Anderson & Citkowski, P.C.
2701 Troy Center Drive, Suite 330
P.O. Box 7021
Troy, MI 48007-7021

Albert L. Underhill
Merchant & Gould
80 S. 8th Street
Suite 3200
Minneapolis, MN 55415

VIA FEDERAL EXPRESS

The Clerk's Office
Honorable James Ware
United States District Court
Northern District of California
San Jose Division
280 South 1st Street
San Jose, CA 95113
Case No. C-05-01114 JW (HRL)
E-filing Chambers Copy